Commentary

Best-Practice Interviewing Spans Many Contexts

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Gathering information from interviewees is similar across many disciplines. Evidence-based approaches to interviewing are encouraged in criminal investigations with suspects (e.g., Swanner, Meissner, Atkinson, & Dianiska, 2016), are found in medical communication manuals (e.g., Silverman, Kurtz, & Draper, 2013), can be applied to fraud investigation (Shawyer & Walsh, 2007), and are recommended for professionals who work with children in a variety of non-criminal capacities (e.g., Brubacher, Powell, Snow, Skouteris, & Manger, 2016), to name just a few. In this issue, Meissner and Lyles (2019) provide support for best-practice interviewing in Title IX investigations. Regardless of the topic, a best-practice interview requires a core set of skills. In this commentary, we discuss the skills noted by Meissner and Lyles (2019) and add further elements that we believe relevant for consideration in Title IX investigations. We highlight our agreement with their article and explain any points of contention. Throughout, we advance two key and related viewpoints: High quality interviewing is similar across many contexts, but there is not a one-size-fits-all protocol. Instead, interview trainers should focus on teaching the elements of best practice, and in a way that promotes sustained learning. We conclude with suggestions regarding effective training and genuine engagement between academics and practitioners.

Cross-Contextual Interviewing Skills

Best Practice Elements

Meissner and Lyles (2019) provide an overview of the main elements of a best practice interview that apply regardless of interviewee group and topic. We repeat them briefly here to supplement our discussion of additional behaviours and knowledge we perceive to be critical.

Regardless of context, high quality interviews are non-judgmental, bias-free, include rapport building, inform the interviewee about the process of the investigation and the interview, and are as narrative-based as possible. Avoiding judgement and preconceived notions about what happened is fundamental to good interviewing; good interviewing is always hypothesis-testing rather than hypothesis-confirming (Poole, 2016). In other words, investigators should consider plausible explanations and seek additional information that will increase or decrease the likelihood of each one. This hypothesis-testing behaviour is especially relevant in Title IX investigations because of the currency of the topic and amount of stereotyped information that could influence an investigator's perspective. For example, one investigator may hold rape myths and thus believe that a victim is lying about the assault or that her alcohol use invited the sexual activity (Lonsway & Fitzgerald, 1994). A second investigator may be highly vigilant to concerns about sexual assault occurring on university campuses and assume that all reports of abuse are true. If these investigators apply a hypothesis-confirming approach to their interviews, they could plausibly obtain two very different accounts from the same victim or suspect. Under Obama-era guidance, Title IX investigations operate according to a *preponderance-of-the-evidence* standard (i.e., "it is more likely than not that the alleged act occurred"; Ali, 2011, p. 11). Although we might hope that this standard increases reporting of sexual assaults, and we might agree with it in principle, it should apply to the *weighing of evidence* rather than the *interview*. The aim of Title IX interviews—as in other fields—should be to find out what happened, in an unbiased and interviewee-centred way.

Interviewee-centred interviews should include the goal of making interviewees feel at ease in sharing their accounts (Abbe & Brandon, 2014). Rapport building and maintenance

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should be applied with witnesses and suspects (see Meissner & Lyles, 2019, for elaboration). Creating a comfortable and empathetic environment enhances respondent cooperation (Collins, Lincoln, & Frank, 2002), can increase the accuracy and amount of information reported, and provides a fair and humane setting (Vallano & Schreiber Compo, 2015). The highly sensitive nature of Title IX investigations makes rapport building and maintenance key. It is important, however, to balance empathic communication with an unbiased approach: We suggest that investigators not make assumptions about how a witness (or suspect) feels during the interview or how they felt during the alleged act(s) because doing so takes the focus away from the account being in the interviewee's words (Powell & Snow, 2007). Finally, informing all parties about the purpose of the interview and procedures to be used is consistent with a position of procedural justice, and more favourable perceptions of procedural justice are associated with greater cooperation (see Roberts & Herrington, 2013, for a review).

Narrative-based interviewing is the gold standard in a wide variety of interview contexts. Victims and suspects should be encouraged to describe what happened in their own words, as freely as they are able. This style of interviewing has a rapport-sustaining function, because interviewees will feel heard (Brubacher, Timms, Powell, & Bearman, 2019; Vallano & Schreiber Compo, 2015). One reason why interviewees feel heard when interviewers ask open-ended questions may be because such questions do not constrain recall to what the interviewer thinks is relevant. In other words, using open-ended questions helps interviewers minimize the influence of any biases they might hold. Indeed, Powell, Hughes-Scholes, and Sharman (2012) showed that interviewers given prior biasing information used more leading questions, but only if they had been classified as poor interviewers (low adherence to open-ended questioning in an unrelated interview), not if they had been classified as good interviewers. Other reasons that open-ended questions may make respondents feel heard is that they allow interviewees to tell their stories at their own pace, focus on what they remember best, and explain their experience in their own words. Open-ended questions also allow interviewees to report information that is relevant to what happened but might not be elicited by an interviewer asking specific questions because it is tangential to the event. For example, a victim of a sexual assault might report that the suspect had intimidated her on a prior occasion (Westera, Kebbell, & Milne, 2016).

Comprehensive narrative accounts are particularly important in information-gathering interviews when they lay bare respondents' experiences and perceptions without the constraints of an interviewers' line of questioning. For example, a suspect's narrative account could reveal his distortion regarding his relationship with a victim. Farris, Treat, Viken, and McFall (2008) reviewed the literature concerning men's misperceptions of women's sexual interest, which could pose an additional challenge in Title IX investigations. They concluded that a subgroup of men high in risk factors for sexual coercion are more likely than women to make errors in how much sexual interest a target displayed. For this reason, it is especially helpful for investigators to hear each party's account in their own words, to determine what perceptions are held without influencing the accounts. Relatedly, Meissner and Lyles (2019) also discuss how eliciting narrative accounts from suspects can be helpful in uncovering deception (see Vrij, 2019).

In addition to ensuring that interviews are narrative based and in interviewees' own words, Title IX investigators must be sensitive to the potential repeated nature of the allegations. The Dear Colleague letter, issued by the Office for Civil Rights to clarify requirements of Title IX investigations (Ali, 2011), refers to the possible need to establish a pattern over time, particularly when allegations are of a non-physical nature like sexual harassment and coercion, in order to prove a hostile environment. (If conduct is severe, such as rape, an isolated incident may be considered enough to create a hostile environment.) This recommendation means that Title IX investigators require knowledge about memory for repeated experiences and training in how to interview in this challenging situation (see Brubacher & Earhart, 2019; Snow, Malloy, Brubacher, & Sutherland, in press). Memories of repeated experience are qualitatively different to memories for a single (one-off) event (Roberts & Powell, 2001). As an event is encountered multiple times, people create a general event representation that characterizes the common details and structure (Hudson, Fivush, & Kuebli, 1992). In a Title IX investigation, this event "script" might look like the following quote from a college student (quote has been amalgamated across several different accounts to ensure anonymity. Any resemblance to a real case is coincidental):

> I started working in his lab Fall semester. At the beginning it was fine, but he started to come in whenever I was working on my own, like if I would stay in the evenings, and sit really close to me. He would always talk about how pretty I looked and that I was going to have a great future in this field. Sometimes he would put his arm around me or touch my arm or leg when he was talking to me. He started to imply that he could help me get a job in academia if I would sleep with him. One time he actually tried to take my pants down after a party even though I told him to stop. I knew I needed a reference letter from him so I would just go along with it.

Title IX investigators should consider the extent to which they need generic details (i.e., what typically happens) and episodic details (i.e., what happened on a specific occasion) to aid their decision-making. In criminal investigations, episodic details are often needed in order to support a specific charge, allow the defendant an opportunity for an alibi, and to enhance the credibility of an account (e.g., Powell, Roberts, & Guadagno, 2007; Westera & Powell, 2017). But generic information can also be useful; it can help establish the "gist of offending" (Powell, Burrows, Brubacher, & Roberts, 2017), and provide additional detail not elicited by episodic questions (Brubacher, Earhart, Turoy-Smith, & Powell, 2019).

Finally, the majority of Title IX investigations are likely to involve suspects who are known to victims (Smith et al., 2017). In these cases, questioning about the appearance of the suspect is not useful or desirable (Westera, Powell, & Milne, 2017). Here, we disagree with Meissner and Lyles (2019) about whether

the cognitive interview (CI) is suited to Title IX investigations. The CI was developed for increasing the amount of detail witnesses could report in cases where an offender was unknown, and it is effective in doing so. Indeed, Westera et al. interviewed prosecutors who said there was too much unnecessary detail in interviews conducted with the CI. Westera and Powell (2016) suggested that different interviewing approaches are appropriate when offenders are known to victims and environments are familiar. Specifically, interviews should focus on eliciting narrative accounts of what happened, in accordance with the general best-practice principles we described earlier. Indeed, research has demonstrated that police conducting standard interviews perceive that they get adequate details about actions (what happened) nearly three-quarters of the time, in contrast to descriptor details of unknown suspects, which are more challenging to obtain (Kebbell & Milne, 1998).

Education About Trauma

Meissner and Lyles (2019) discuss the role of education about trauma in Title IX investigations. Following an assault, not everyone will experience trauma so severe that it affects memory, and not everyone who experiences severe trauma will display memory errors. At the same time, trauma can impact memory and recall. We suggest that interviewers should be educated about the potential effects of trauma on memory and willingness to share sensitive information (i.e., they should be trauma informed) but, like Meissner and Lyles (2019), we caution against adopting specific techniques and protocols that have not been empirically assessed. Extant best-practice guidelines were developed with trauma in mind (e.g., Lamb, Brown, Hershkowitz, Orbach, & Esplin, 2018); this is why they have such a heavy focus on eliciting narrative and remaining unbiased. Approaching the investigation with a specific protocol aimed at addressing trauma is similar to having a bias about what happened. We should never assume that our interviewees feel a particular way. Although many victims may be traumatized, some may experience other emotions like anger and frustration (e.g., Conroy & Cotter, 2017).

We support the viewpoint of Meissner and Lyles (2019) that inconsistencies and memory anomalies are not diagnostic of abuse, but may be present in the accounts of victims. We should not take inconsistencies and the like as evidence that something did happen, but we should also not dismiss it happening due to inconsistencies. There is a real and important difference here. This argument can be likened to the controversy (O'Donohue & Benuto, 2012) associated with Child Sexual Abuse Accommodation Syndrome (CSAAS). According to Roland Summit, who first wrote about CSAAS, accommodation syndrome consists of five major components: secrecy, helplessness, entrapment and accommodation, delayed disclosure, and recantation. Problematically, courts began to use the presence of these factors in a diagnostic sense: in other words, that they were *indicative* of abuse. Instead, the available evidence suggests that these factors may or may not be present, in both true and false cases (O'Donohue & Benuto, 2012).

Guidelines Embedded Within Evidence-Based Training

One of the most talked-about issues in the field of investigative interviewing is the gap between knowledge of the skills required to conduct effective interviews, and the behaviour of actually doing so in practice (Lamb, 2016; Powell, 2013). The challenge is that it is difficult to teach interviewing skills in traditional lecture-style formats because this type of training lacks certain design elements that promote long-term retention. These elements are incremental learning, ongoing and spaced practice, opportunities for error, interactivity, immediate feedback, and flexibility (Powell, 2008).

Incremental learning is a critical feature of training programmes; with regard to investigative interviewing, trainees must first acquire the knowledge and sub-skills that underlie questioning approaches in interviews. They must learn what questions are effective and why, followed by attempts to identify different question types, and then apply them in actual practice (see Westera, Powell, Milne, & Goodman-Delahunty, 2019, for review). In one of our current projects (Powell & Brubacher, unpublished raw data), we compare gains in interviewing performance across various types and intensities of training. Performance is measured in numerous ways including, but not limited to, adherence to open-ended questions, avoiding developmentally inappropriate language, using recommended prompts to elicit the topic of concern, and exhausting a narrative account before asking specific questions. Incremental learning is evident for some of the more challenging skills, as gains in performance were observed with each level of training intensity.

Practice in using effective interviewing behaviours must occur on an ongoing basis and be spaced with rest intervals in between (e.g., Donovan & Radosevich, 1999). It is understood that, without repeated practice, interview skills decline (e.g., Lamb et al., 2002). Perhaps counter-intuitively, training should be structured in such a way that learners will make errors; importantly, however, learners should learn how to identify and correct their errors so that they are more likely to do it naturally in practice (Boud & Molloy, 2013). Interactivity can refer to active processing of content (e.g., interviewing an avatar, Pompedda, Zappalà, & Santtila, 2015) as well as learning-related dialogue between trainees or with a trainer (Powell, Fisher, & Hughes-Scholes, 2008). Designing interactive training elements also affords the opportunity to deliver immediate feedback (e.g., in the form of automatic quiz grading, or verbally from a trainer) that specifically addresses areas of improvement for the learner. Receiving such feedback during a task can help learners to monitor their own work (Boud & Molloy, 2013). Finally, a flexible learning environment allows busy professionals to access learning material in a time and space convenient to them (Powell, 2013).

Online training can be a solution to the barriers faced in the classroom, but only if it incorporates the critical elements of human learning (Powell, 2013). "Online" is not a panacea and can be as lacklustre as listening to day-long lectures or watching a series of DVDs. Effectively designed online training would be ideal for Title IX investigators, because they are likely to be only a few per institution and spread out geographically.

Genuine Engagement

Meissner and Lyles (2019) suggest that practitioners and researchers should collaborate in the design of Title IX interviewing protocols and associated research. We agree that they must, and that collaboration should be done in a way that genuinely establishes a partnership (Huey & Mitchell, 2018). Both sides should gain insights regarding the experiences and procedures of the other. Researchers must be able to view actual interviews conducted in Title IX cases (with the permission of all players) so that they can encounter firsthand the complexities of the situations. This knowledge will improve the research questions in quasi-experimental studies and bolster the design of analogue experiments. Those at the coalface, in turn, should have stakeholders involved in research design from the initial steps so that they are aware of research constraints, and so they can suggest design options that meet these parameters while maintaining as much external validity as possible. We suggest that this kind of bidirectional consultation applies to many other training spheres as well.

Conclusion

High quality interviewing is remarkably similar across many contexts. The critical principles, regardless of respondent group, are to keep an open mind and elicit as much information as possible through obtaining a narrative account. Despite continuity of principles across contexts, there is not a suitable one-size-fits all protocol for all types of interviews. Instead, when training Title IX investigators, trainers should focus on teaching the elements of best practice in a way that promotes sustained learning. We agree with Meissner and Lyles (2019) that genuine engagement between practitioners and researchers is urgently needed in this arena to develop evidence-based guidelines that are appropriate in practice.

Conflict of Interest

The authors declare no conflict of interest.

Author Contributions

SPB drafted and wrote the manuscript. MBP provided feedback and further intellectual contribution.

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